REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1-44 and 46 are pending in the application. Claims 14, 17, 19, 22, 37, and 46 have been amended. No claims have been canceled.

In the Office Action, the Examiner rejected claims 14, 19, 34, and 46 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse the rejection. Applicants have amended claims 14, 19, and 46 to correct minor informalities with respect to the lack of antecedent basis.

Claim 14 as amended sets forth an apparatus comprising:

"a computer system communicably coupled to a wireless local area network,

the computer system automatically obtaining, storing, and **sending** digital content **via the wireless local area network to an automotive storage and playback device** when the automotive storage and playback device includes a wireless transceiver that is within range of the wireless local area network,

the computer system **obtaining** the digital content **from a wide area network**, based on user defined preferences input to the computer system, while the wireless local area network is not within range of the wireless transceiver of the automotive storage and playback device."

(Claim 14, emphasis added).

The Examiner stated in the Office Action that, "it was not understood how the computer system could obtain data '... while the wireless local area network is not within range of the wireless transceiver of the automotive storage and playback device'" (Office Action, p.6). It is respectfully submitted that the computer system obtains the digital content **from a wide area network** while the **wireless local area network** is not within range of the wireless transceiver. The wide area network is distinct and separate from the wireless local area network. Therefore, the condition of

the wireless local area network not being within the range of the wireless transceiver does not contradict with obtaining the digital content from the wide area network. Withdrawal of the rejection is respectfully requested.

Applicants respectfully submit that claims 19, 34, and 46 are not indefinite for at least the reason discussed above with respect to claim 14. Withdrawal of the rejections is respectfully requested.

Applicants have amended claims 17, 22, and 37, particularly to overcome the Examiner's rejection of indefiniteness under 35 U.S.C. §112. The Examiner initially rejected claims 17, 22, and 37 under 35 U.S.C. §112, second paragraph. Accordingly, Applicants have amended claims 17, 22, and 37 to particularly point out and distinctly claim, in full, clear, concise and exact terms, the subject matter which Applicants regard as their invention.

In particular, the Examiner stated in the Office Action that "it was not understood how '...the automotive storage and playback device receives the digital content in response to a user action at the computer system,' if, as stated in the independent claims from which these claims depend upon, '...the computer system automatically obtain, stores, and sends the digital content...'" (Office Action, p.7, first paragraph). Claim 17 as amended teaches a system that is *operable* to send the digital content in response to a user action at the computer system in addition to being able to send the digital content automatically. Therefore, the teaching of claim 17 as amended does not contradict the teaching of claim 14 and claim 17 as amended is definite under §112, second paragraph. For the reason discussed above with respect to claim 17, claims 22 and 37 as amended are definite under §112, second paragraph. Withdrawal of the rejection is respectfully requested.

In the Office Action, the Examiner rejected claims 1, 3-5, 9, 14, 17-19, 21-24, 28-29, 34, and 36-40 under 35 U.S.C. §102(e) as being anticipated by Kolls (U.S. Patent No. 6,389,337; hereinafter, "Kolls"). Applicants respectfully traverse the rejections and

submit with the current response a declaration under 37 C.F.R. §1.131 to swear behind Kolls to remove Kolls as a reference based on previous invention. Therefore, the rejections have been overcome. Withdrawal of the rejections is respectfully requested.

In the Office Action, the Examiner rejected claims 2, 15, 20, and 35 under 35 U.S.C. §103(a) as being unpatentable over Kolls in view of Cannon et al. (U.S. Patent No. 6,408,232) and McCall et al. (U.S. Patent No. 6, 738,628). Applicants respectfully traverse the rejections for at least the reasons discussed above with respect to claim 1. Applicants respectfully request the Examiner to withdraw the rejections.

In the Office Action, the Examiner rejected claims 6-8 and 25-27 under 35 U.S.C. §103(a) as being unpatentable over Kolls in view of Lee et al. (U.S. Patent No. 6,374,177). Applicants respectfully traverse the rejections for at least the reason discussed above with respect to claim 1. The Examiner is respectfully requested to withdraw the rejections.

The Examiner rejected claims 11 and 31 under 35 U.S.C. §103(a) as being unpatentable over Kolls in view of Obradovich (U.S. Patent No. 6,542,794). Applicants respectfully traverse the rejections for at least the reason discussed above with respect to claim 1. The Examiner is respectfully requested to withdraw the rejections.

In the Office Action, the Examiner rejected claims 12 and 32 under 35 U.S.C. §103(a) as being unpatentable over Kolls in view of Chee et al. (U.S. Patent No. 6, 324,054). Applicants respectfully traverse the rejections for at least the reason discussed above with respect to claim 1. The Examiner is respectfully requested to withdraw the rejections.

The Examiner rejected claims 13 and 33 under 35 U.S.C. §103(a) as being unpatentable over Kolls in view of Chee and Berberich et al. (U.S. Patent No. 5,703,734). Applicants respectfully traverse the rejections for at least the reason discussed above with respect to claim 1. The Examiner is respectfully requested to withdraw the rejections.

The Examiner rejected claims 42-44 under 35 U.S.C. §103(a) as being anticipated by Kolls in view of Cannon, and further in view of McCall. Applicants respectfully traverse the rejections for at least the reason discussed above with respect to claim 1. The Examiner is respectfully requested to withdraw the rejections.

The Examiner rejected claim 46 under 35 U.S.C. §103(a) as being unpatentable over Kolls in view of Cannon. Applicants respectfully traverse the rejections for at least the reason discussed above with respect to claim 1. The Examiner is respectfully requested to withdraw the rejections.

Accordingly, Applicants respectfully submit that the rejections under 35 U.S.C. §102(e), §103(a), and §112, second paragraph have been overcome by the amendments and the remarks and withdrawal of these rejections is respectfully requested. Applicants submit that claims 1-44, and 46 as amended are now in condition for allowance and such action is earnestly solicited.

Please charge any shortages and credit any overcharges to our Deposit Account No. 02-2666.

Respectfully submitted,
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Esther L. Campbell 6-21-04
Date